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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)
David Charles BAULCOMBE et al.)
Serial No. 09/491,549)
Filed: January 26, 2000)
For: GENE SILENCING)

Examiner: Peter Paras, Jr.
Group Art Unit: 1632
Response to Paper No. 13
10-1-01
P. 2.

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.111

In response to the Official Action dated June 21, 2001, please reconsider the rejection of claims 1, 5 to 17, 21, 26 to 29, and 32 to 34 of the above-identified patent application in light of the following remarks.

REMARKS

The Official Action dated June 21, 2001, and the references cited therein has been carefully reviewed. In view of the following remarks, favorable reconsideration and allowance of the application are respectfully requested.

The Examiner has noted that the requirement for submission of a certified copy of the foreign priority document has not yet been met. As indicated in Applicant's previous response of April 19, 2001, once the priority document is received in the offices of the undersigned, it will be immediately forwarded to the United States Patent and Trademark Office.

At page 2 of the Official action, the Examiner has rejected claims 1, 5 through 11, 21, and 32 through 34 under 35 U.S.C. § 112, second paragraph as allegedly indefinite. Specifically, the Examiner is unclear as to how only the presence of SRMS can demonstrate the occurrence of gene silencing.

Claims 1, 5 through 10, 12 through 17, 21, 26 through 29, and 32 through 34 have been rejected under 35 U.S.C. § 102 as